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6 Attorneys for Plaintiffs,  
7 NORTHERN CALIFORNIA GLAZIERS  
PENSION PLAN, et al.

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UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12 NORTHERN CALIFORNIA GLAZIERS,  
13 ARCHITECTURAL METAL AND GLASS  
14 WORKERS PENSION PLAN, et al.,

15 Plaintiffs,

16 v.

17 PACIFIC GLASS & ALUMINUM, INC.,

18 Defendant.

Case No.: C 06-7448 EDL

**PLAINTIFFS' REQUEST FOR  
CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE;**

**[PROPOSED] ORDER**

19 Date: October 30, 2007  
20 Time: 10:00 a.m.  
21 Location: 450 Golden Gate Avenue  
22 San Francisco, CA  
23 Courtroom: E, 15<sup>th</sup> Floor

24 Plaintiffs submit the following Request for Continuance of the Case Management  
25 Conference currently scheduled for October 30, 2007 at 10:00 a.m.:

26 1. The complaint in this action was filed on December 5, 2006 to compel defendant to  
27 allow plaintiffs to audit its records in accordance with its collective bargaining agreement, and for  
28 payment of any amount found due upon audit.

29 2. Defendant did not defend or appear, and Default was entered on January 18, 2007.

30 3. Thereafter an audit date was set for April 20, 2007, then reset due to the auditor's  
31 illness. The audit was conducted and a report sent to Defendant on August 28, 2007, for review.

4. Defendant contested the findings in the report, erroneously and sequentially claiming errors to which Plaintiffs responded with contrary information in support of their report. Plaintiffs made demand for payment. Defendant then suggested that all debt might be satisfied at once, and contested amounts remaining under a prior unsatisfied judgment to which he stipulated, which was entered July 31, 2006.

5. Defendant has not made payment, or responded further as to the audit, or taken any action to satisfy Plaintiffs' claim on the audit. Plaintiffs advised Defendant that if the amount claimed remained unpaid by October 26, 2007, that Plaintiffs would proceed to seek judgment.

6. Plaintiffs therefore **request a continuance of the Case Management Conference for a period of approximately 60 days** to allow time for the offered payment period to run, or if necessary, to prepare their Motion for Default Judgment.

Dated: October 23, 2007

Respectfully submitted,  
SALTZMAN & JOHNSON LAW CORPORATION

By: \_\_\_\_\_/s/ \_\_\_\_\_  
Muriel B. Kaplan  
Attorneys for Plaintiffs

## **ORDER**

The Case Management Conference scheduled in this matter for October 30, 2007, at 10:00 a.m. is hereby continued to December 11, 2007 at 10:00 a.m. An updated Case Management

IT IS SO ORDERED.

Dated: October 24, 2007



**PROOF OF SERVICE**  
*Case No.: C06-7448 EDL*

I, the undersigned, declare:

I am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 120 Howard Street, Suite 520, San Francisco, California 94105

On October 23, 2007, I served the foregoing document(s) on the parties to this action, addressed as follows, in the manner described below:

**PLAINTIFFS' REQUEST FOR CONTINUANCE  
OF CASE MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER**

- MAIL**, being familiar with the practice of this office for the collection and the processing of correspondence for mailing with the United States Postal Service, and deposited in the United States Mail copies of the same to the business addresses set forth below, in a sealed envelope fully prepared.
- FACSIMILE** be causing said document(s) to be transmitted by Facsimile machine to the number indicated after the address(es) set forth below.
- UPS** for delivery the following business day by placing same for collection by UPS to the business addresses set forth below.
- PERSONAL DELIVERY** by placing said document(s) in a sealed envelope and causing it to be personally delivered to the address(es) set forth below.
- ELECTRONICALLY** be causing said document(s) to be transmitted by Email to the address(es) set forth below.

*Addressed to:* **Pacific Glass & Aluminum, Inc.**  
**1687 Toulouse Court**  
**Tracy, CA 95304**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 23rd day of October 2007, at San Francisco, California.

\_\_\_\_\_ /s/ \_\_\_\_\_

**PLAINTIFFS' REQUEST FOR CONTINUANCE OF CMC  
C Case No.: C06-7448 EDL**